

### REMARKS

Applicant thanks Examiner Pesin for participating in the interview on January 27, 2009. The above amendment of claim 1 and references of record were discussed. It was agreed that the amendment of claim 1 resolves the rejection under section 112. It was also agreed that the amendment of claim 60 overcomes the rejection under section 101. Applicant explained that the subject matter of the claims as amended is not disclosed or suggested by the references of record, and the Examiner did not point to any reference to the contrary.

In the Action mailed November 19, 2008, the Examiner rejected claim 60 under 35 U.S.C. § 101, claims 1-13, 16-17, 21-22, and 60 under 35 U.S.C. § 112, claims 1-13, 16-17, 22, and 60 under 35 U.S.C. § 102(b), and claim 21 under 35 U.S.C. § 103(a). In reply, Applicants have amended claims 1 and 60, and canceled dependent claim 21 without prejudice. As such, claims 1-13, 16-17, 22 and 60 remain pending. Applicants request consideration of claims 1-13, 16-17, 22 and 60 in view of the amendments and the following remarks.

Independent claims 1 and 60 are amended. Support for the amendments is found throughout the present disclosure. *See, e.g.*, Spec. 5:19-23; 10:9-11; 11:26.

No new matter is added.

#### **Claim Rejections – 35 U.S.C. § 101**

The Examiner rejected claim 60 under 35 U.S.C. § 101. Without conceding that the rejection has merit, Applicants have amended claim 60 to address the issue raised by the Examiner, and it was agreed in the interview that this overcomes the rejection under section 101. Applicants ask that the Examiner remove the rejection of claim 60 on this basis.

#### **Claim Rejections – 35 U.S.C. § 112**

The Examiner rejected claims 1-13, 16-17, 21-22, and 60 under 35 U.S.C. § 112.

The rejection is rendered moot by the above amendments, which overcome the rejection. Applicants request favorable consideration of the amended claims 1 and 60, and of claims 2-13, 16-17, and 21-22, which are dependent on the amended independent claim 1.

### **Rejections under sections 102 and 103**

Claims 1-13, 16-17, 22, and 60 were rejected under § 102(b) as allegedly anticipated by U.S. 6,011,537 (Slotznick). Claim 21 was rejected under § 103(a) as allegedly unpatentable over Slotznick in view of U.S. 7,000,695 (Li).

These rejections are rendered moot by the above amendments. Without conceding that the rejections have merit, however, Applicants will comment on differences between the present subject matter and that of the references.

Independent claims 1 and 60 relate to a method where a client device generates a request to a server device to change an application program from a first state to a second state. The request is generated using code that the server device has previously provided to the client device. The request is generated in response to an input from a back function or a forward function on the client device. Slotznick fails to disclose the code specified by the server device that the client device uses to generate the request. Particularly, Slotznick does not disclose that a server should send code to a client device specifying how to make a request for changing an application state on the server.

Slotznick discloses a system for delivering and simultaneously displaying primary and secondary information, and for displaying only the secondary information during interstitial space (Slotznick title). Slotznick describes that the secondary information is retrieved and processed while the user is looking at the primary information (i.e., during machine wait time), and that the secondary information is displayed while the machine is busy processing (i.e., during user wait time, Slotznick 11:38-52). But Slotznick does not describe that a server should send the client device “code” specifying a request that the client device then generates to the server, as recited in the independent claims.

Li was cited as allegedly showing the subject matter of dependent claim 23. Without conceding that this rejection has merit, Applicant submits that Li also fails to disclose at least the portions of the present subject matter missing from Slotznick.

Accordingly, Applicant submits that the pending claims 1-13, 16-17, 22 and 60 are patentable over the references of record.

### CONCLUSION

Favorable consideration of the pending claims as amended is requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: January 30, 2009

/s/ richard soderberg reg. no. 43,352/

J. Richard Soderberg

Reg. No. 43,352

Fish & Richardson P.C.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (877) 769-7945